IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2891 OF 2006

Chandresh Himmatbhai Dabhalia .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.P.G.Lad i/by Ms.Aparna Muralidharan for the Petitioner.

Mrrs.Nisha Valani for the Respondents.

CORAM : DR.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATE : 17th January, 2007.

P.C.:

1. Heard the learned Counsel for the parties. By this Petition, the Petitioner is challenging the forfeiture of EMD/BG. The learned Counsel for the Petitioner fairly conceded that the Petitioner could not remove the discrepancies within the prescribed period of 15 days. The relevant rule in that behalf reads as under:-

> ""In case a rectifiable discrepancy is noticed, it will be displayed on Notice Board intimating the nature of discrepancy and the exporter will be given 15 days time for removal of discrepancis from the date of declaration of cut-off price. If exporter fails to remove the discrepancy within stipulated time, the application shall be rejected and EMD/BG covered by such rejected applications will be forfeited in full. The quantities available from such rejected applications, a revision may be made in the cut-off prices/clearance announced if earlier, if any."

2. Thus, It is clear that the Petitioner could not remove the discrepancies within the prescribed period of 15 days and therefore the applications were rejected, resulting thereby the forfeiture of EMD/BG as per the provisions of aforesaid rule.

3. We do not find any illegality or perversity in the impugned order. Hence the Writ Petition stands dismissed.

(J.P.DEVADHAR, J.) **(DR.S.RADHAKRISHNAN,J.)**